

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES A. PROVITT,)	
)	Civil Action No. 19-1624
Plaintiff,)	
)	District Judge Marilyn J. Horan
v.)	Chief Magistrate Judge Cynthia Reed Eddy
)	
SERGEANT TANNER, NURSE BRENT,)	ECF Nos. 16 and 36
AND PHYSICIAN ASSISTANT DARLA)	
COWDEN,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil action commenced on December 17, 2019 when Plaintiff James A. Provitt filed a Motion for Leave to Proceed in Forma Pauperis. (ECF No. 1). On December 31, 2019 that Motion was granted and the Complaint was docketed by the Clerk of Court. (ECF Nos. 2, 4). The case was referred to Chief Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

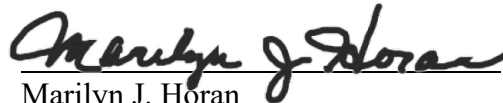
The Magistrate Judge's Report and Recommendation (ECF No. 36), filed on August 20, 2020, recommended that the Motion to Dismiss filed by Darla Cowden (ECF No. 16) be denied. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Objections for unregistered ECF Users were due by September 8, 2020. No objections have been filed.

After review of the pleadings, documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 17th day of September 2020,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 36) of Chief Magistrate Judge Eddy, dated August 20, 2020, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Darla Cowden (ECF No. 16) is **DENIED**. Defendant Cowden shall answer the Complaint in accordance with the timeline set out in Federal Rules of Civil Procedure.


Marilyn J. Horan
United States District Judge

cc: JAMES A. PROVITT
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All Counsel of Record
(via ECF electronic notification)